GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Transport Department – Public Servants – Initiated Departmental disciplinary action against Sri.V.Subba Rao, the then Senior Assistant for violation of APCA (Conduct) Rules, 1964 for not obtaining the prior permission in purchase of assets – Enquiry conducted and report submitted - O.A. filed - Hon'ble Andhra Pradesh Administrative Tribunal had issued interim orders – Imposing the punishment of withholding of 10% pension for a period of 3 years against Sri V.Subba Rao, the then Senior Asst. (now retired) - Orders – Issued.

TRANSPSORT, ROADS & BUILDINGS (VIG.TR.) DEPARTMENT

G.O.RT.No. 291 Dated: 01-09-2020.

Read the following:

1. Preliminary report of the DG, ACB, A.P., Hyderabad, vide Lr.Rc.No.243/RCA-REG/2003, dt.18.12.2003.
2. Final report of the DG, ACB, A.P., Hyderabad, vide Lr.Rc.No.243/RCA-REG/ 2003, dt. 08.2005.
3. G.O.Ms.No.269, T R&B(Vig.III) Dept., dt.05.12.2005.
4. Govt. Memo No.15631vig.III/1/2003-9, dated:05.12.2005.
5. From the T.C., A.P., Vijayawada, Lr.No.13987/V3/V2/2003, dt.13.08.2019.

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ORDER:

In the reference 1st read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad has stated that, on credible information that Sri V.Subba Rao, Sr.Asst., O/o RTO, Rajahmundry was amassed assets disproportionate to the known sources of income by acquisition of movable and immovable properties in his name and in the names of his family members worth Rs.22,72,882/-, a case was registered on 05.11.2003 vide Cr.No.12/RCA-RJY/2003.

2. In the reference 2nd read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad in his findings that the allegation of acquisition of disproportionate assets against the A.O. Sri V. Subba Rao, formerly Senior Assistant, O/o Regional Transport Officer, Rajahmundry, East Godavari District is proved beyond all reasonable doubt and recommended that the A.O. may be prosecuted in the court of Law u/s 13 (2) r/w 13 (1) (e) of P.C.Act, 1988. The A.O. also failed to obtain prior permission from the departmental authorities acquisition of assets which are worth more than Rs.20,000/- and thereby violated Rules of APCS (conduct) Rules, 1964 and recommended to initiate departmental action against the A.O for this lapse.

3. In the reference 3rd read above, Government have issued prosecution orders on the allegation of disproportionate assets to a tune of Rs.18,25,468/- against Sri V. Subba Rao, formerly Senior Assistant. In the reference 4th read above, the Government have requested the Transport Commissioner to initiate Departmental disciplinary action against Sri.V.Subba Rao, the then Senior Assistant for violation of APCA (Conduct) Rules, 1964 for not obtaining the prior permission in purchase of assets.

4. In the reference 5th read above, the Transport Commissioner, A.P., Vijayawada has furnished the detailed report in the matter as follows:

> The charges were framed against Sri.V.Subba Rao, the then Senior Assistant vide Charge Memo No.13987N3/2003, dated:31.12.2005 of the Transport Commissioner. The charged officer has submitted his explanation. The explanation submitted by the charged officer was not found satisfactory, a regular enquiry was ordered by appointing Smt. Ratna Manikyam, DTC as Enquiry Officer vide TC's proceedings in R.No.13987N3/2003, dated:26.06.2008. After conducting the enquiry, the Enquiry Officer has submitted the Enquiry Report dated:06.01.2011. The Enquiry Officer held that the charges framed against Sri.V.Subba Rao, the then Senior Assistant are held as proved.

(PTO)

Agreeing with the findings of the Enquiry Officer, the Disciplinary Authority sent a proposal to the Government seeking advice of the Advisory Body in Vigilance matters, vide their office lr.dt.23.04.2011. In the Govt. Memo No.15631vig.III/1/2003- 18, dated.09.18.2012, the Government communicated the advice of the Advisory Body in Vigilance matters wherein it is informed that to take a view on the penalties to be imposed on the charged officer, if any, and then refer the file to the Government. In the Memo No.13987N3/2003, dated:05.10.2012 O/o the T.C., AP, the enquiry report was communicated to the charged officer. The charged officer has submitted his further representation, dated:28.11.2012.

Sri.V.Subba Rao, the then Senior Assistant has filed O.A.No.357/2013 with a prayer to direct the respondents not to finalize the disciplinary case and stay all further proceedings in furtherance to the Charge Memo No.13987N3/2003, dated:31-12-2005, till the conclusion of criminal proceedings pending against the applicant vide Cr.No.12/RCA-RJY/2003, dated:10.12.2003.

The Hon'ble Tribunal had issued interim orders dated:09.01.2013 in O.A.No.357/2013, is dismissed. VMA is allowed vacating the interim order dt:09.01.2013 and the respondents are at liberty to conclude the disciplinary proceedings pending against the applicant vide Charge Memo No. 13987N3/2003, dt: 31-12-2005, in accordance with law."

5. The Transport Commissioner, A.P., Vijayawada has stated that, as per the orders of the Hon'ble APAT, further action is to be taken in the matter. The Government Servant is retired from the Government Service on 31.12.2018 on attaining the age of superannuation. As the Charged officer is retired from Government Service, the Government is the competent authority to take necessary action against him and requested to impose punishment on pension if the further representation is not acceptable or otherwise.

6. Government after careful examination of the matter, decided to impose the punishment of withholding of 10% pension for a period of 3 years against Sri V.Subba Rao, Senior Assistant (Retired).

7. Accordingly, Government hereby impose the punishment of withholding of 10% pension for a period of 3 years against Sri V.Subba Rao, Senior Assistant (Retired).

8. The Transport Commissioner, Andhra Pradesh, Vijayawada shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.T.KRISHNA BABU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The individual through the Transport Commissioner, Vijayawada.
The Transport Commissioner, Vijayawada.
Copy to:
The Secretary, A.P. Vigilance Commission, Velagapudi.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER